

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

IRENE SIMMONS,)	
)	
Plaintiff,)	
)	Case No. 20-cv-00478
v.)	
)	
CITY OF CHICAGO; CHICAGO POLICE)	
OFFICERS DAVID SALGADO, XAVIER)	
ELIZONDO, ROBERTO RAMIREZ,)	Judge John F. Kness
RICHARD MOSTOWSKI, LISA TORRES,)	
ARNOLDO LUEVANO, MARCOS)	
PEREZ, and UNKNOWN OFFICERS,)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR LEAVE TO PROVIDE SUPPLEMENTAL AUTHORITY

Plaintiff Irene Simmons, by and through her attorneys, moves for leave to provide supplemental authority in support of her response to the Defendants' motions to dismiss (Dkt. 69).

In support, she states as follows:

1. Plaintiff alleges Defendants violated her constitutional rights when they used a bogus warrant to search her residence, fabricated a criminal case against her, and detained her. Dkt. 1.
2. Defendants filed a motion to dismiss, Dkt. 50-52, 60-63, arguing in part that Plaintiff's Count II Fourth Amendment pretrial detention claim is untimely. Dkt. 50 at 4-6. The Defendants argued that Plaintiff's Fourth Amendment claim needed to be brought within two years of her release from pre-trial custody. *Id.* Plaintiff responded that her Fourth Amendment pretrial detention claim did not begin to accrue until her charges were dismissed, and her complaint was timely brought well within two years of that date. Dkt. 69 at 6-12.

3. On August 7, 2020, this Court granted Plaintiff's motion (dkt. 72) to cite *Spencer v. Village of Arlington Heights*, which held that Fourth Amendment pretrial detention claims do not accrue until charges are dismissed. Dkt. 75.
4. Defendants' motion to dismiss remains pending before this Court.
5. On November 28, 2020, Judge Seeger also addressed this Fourth Amendment pretrial detention accrual question in *Williamson v. Ortiz*, Case No. 18-cv-02028, Dkt. No. 111) (Nov. 28, 2020), attached as Ex. A. In a thorough and lengthy analysis, Judge Seeger, too, held that Fourth Amendment pretrial detention claims do not begin to accrue until charges are dismissed. Ex. A at 8-19.

Wherefore, Plaintiff respectfully requests leave to provide the attached supplemental authority.

Respectfully submitted,

/s/ Joshua Tepfer
One of Plaintiff's Attorneys

Jon Loevy
Arthur Loevy
Scott Rauscher
Joshua Tepfer
Theresa Kleinhaus
Loevy & Loevy
311 North Aberdeen Street, Third Floor
Chicago, Illinois 60607
Phone: (312) 243-5900

CERTIFICATE OF SERVICE

I, Joshua Tepfer, an attorney, certify that on November 30, 2020, the foregoing was served via the Court's electronic filing system upon all counsel of record.

/s/ Joshua Tepfer